

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 2008-444-C - ORDER NO. 2009-78
FEBRUARY 17, 2009

IN RE: Complaint of Phillip A. Ollar v. BellSouth)	ORDER GRANTING
Telecommunications, Inc. d/b/a AT&T South)	DISMISSAL OF
Carolina)	COMPLAINT AND
)	CLOSING DOCKET

This matter comes before the Public Service Commission of South Carolina (“Commission”) on the motion of BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina (“AT&T”) to dismiss the complaint of Phillip A. Ollar (“Ollar”) and also on Ollar’s ensuing request for dismissal of the complaint. This proceeding was established upon a complaint (dated December 3, 2008) filed with the Commission on December 9, 2008 by Ollar against AT&T.

On January 16, 2009, AT&T filed a Motion to Dismiss wherein AT&T advised the Commission that all issues contained in Ollar’s complaint had been resolved and that the parties were working to memorialize the resolution in writing. Further, when the parties finalize their resolution in writing, according to AT&T, the written agreement will be submitted to the Commission. Nevertheless, in an abundance of caution and to avoid any argument that AT&T is in default, AT&T moved to dismiss the complaint on the grounds that the Commission has limited jurisdiction over Ollar’s claims and that the complaint is not signed by an attorney authorized to practice in South Carolina. AT&T reiterated that its motion to dismiss is solely to protect AT&T’s procedural rights and was

not in any way an attempt to alter or undo the resolution AT&T believed had been reached by the parties. Following AT&T's motion, Ollar advised the Commission by letter filed January 22, 2009, that "I have accepted their [AT&T's] offer. Please dismiss this complaint."

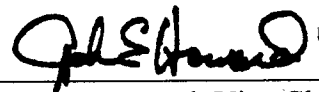
Since both AT&T and Ollar have moved to dismiss the complaint, we will deem these filings as a consent motion to dismiss the case. Accordingly, the complaint of Phillip A. Ollar against BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina is hereby dismissed, and Docket No. 2008-444-C is closed.

This Order shall remain in full force and effect until further order of the Commission.

BY ORDER OF THE COMMISSION:


Elizabeth B. Fleming, Chairman

ATTEST:


John E. Howard, Vice Chairman
(SEAL)